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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOCAL 338, RWDSU,

Plaintiff,

vs.

FOODTOWN/PSK SUPERMARKETS, INC.,

Defendant.

Civil Action No. 07-cv-2824 (LBS)

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE AND  
WITHOUT COSTS**

Pursuant to Fed.R.Civ.P. 41(a)(1), it is hereby stipulated and agreed, by and between the parties to this matter that the instant action, shall be and hereby is dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

For the Plaintiff

By: 

Elise Feldman (ESF/5273)  
FRIEDMAN & WOLF  
Attorneys for Plaintiff  
1500 Broadway, Suite 2300  
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For the Defendant

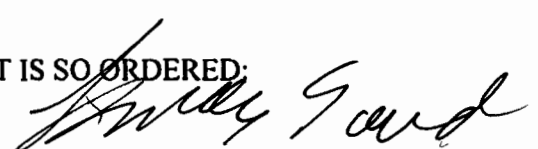
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Dated: 12/18, 2007

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IT IS SO ORDERED:

  
Hon. Leonard B. Sand, U.S.D.J.